

United States Senate

April 22, 2019

The Honorable Lisa Murkowski
Chairman
Committee on Appropriations
Subcommittee on Interior, Environment, and
Related Agencies
142 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Tom Udall
Ranking Member
Committee on Appropriations
Subcommittee on Interior, Environment, and
Related Agencies
125 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Murkowski and Ranking Member Udall,

As you prepare for the Fiscal Year 2020 Interior, Environment, and Related Agencies Appropriations bill, I write to submit the following requests for your consideration. I appreciate the difficult choices you must make and thank you for your leadership on these issues.

1. Active Forest Management Programs

USFS, BLM, BIA, NPS

Department of Interior

Fiscal Year 2020 Request: Support the President's Budget Request

The Catastrophic wildfires have been occurring with increased frequency and intensity in recent years. 2017 was one of the worst wildfire seasons in history with 71,499 fires burning approximately 10 million acres. 2018 was another terrible season, with 58,083 wildfires burning approximately 8.8 million acres. The Forest Service spent more than \$2.5 billion on suppression costs last fiscal year alone – a new record. Last year's Camp Fire in Northern California was the costliest disaster in the world in 2018, costing more than \$12.5 billion in insured losses, claiming 88 lives and destroying nearly 19,000 structures, roughly 14,000 of which were homes. In addition to the human and economic costs, wildfires also cause significant damage to the environment. Robust data from NASA shows that one catastrophic wildfire can emit more carbon emissions in a few days than total vehicle emissions in an entire state over the course of a year. This is a treatable problem, and one which we understand the causes of very well. We must prioritize funding for forward-thinking, active management strategies that combat catastrophic wildfires before they get started and improve overall forest and watershed health. Accordingly, I ask that the FY 2020 base bill include the following active management funding priorities found in the President's budget:

USFS –

- \$450 million for hazardous fuels reduction.
- Funding for Forest Service Forest and Rangeland Research (Forest Service R&D)

- Funding for the Forest Health Management on Federal Lands program (FHM-Federal Lands), a critical program that utilizes active management to suppress forest insects and diseases.
- Funding for the Working Forest Lands program, a program that “focuses on active management and conservation, providing non-industrial private forest landowners with technical assistance and tools.”

BLM –

- Robust funding for the Bureau of Land Management’s Forest Management Program to support management of forests and woodlands in accordance with the multiple-use, sustained yield mandate of the Federal Land Policy and Management Act of 1976.
- \$107.2 million for timber management programs in the BLM that prioritize planning and preparation activities affecting timber sales volumes and forest health.
- \$92.0 million to support healthy rangelands through weed reduction, vegetation treatments and permitted grazing operations.

BIA –

- \$54.8 million for BIA Tribal forestry programs.

NPS –

- \$4.0 million for the National Park Service to improve active forest and vegetation management in the national parks.

2. Waters of the United States

Environmental Protection Agency

Fiscal Year 2020 Request: Bill Language

The previous Administration’s WOTUS rule attempted to assert Clean Water Act jurisdiction over nearly all areas with even the slightest of connections to water resources, including man-made conveyances. WOTUS contradicts prior Supreme Court decisions and state and tribal water laws and seeks to expand agency control over 60% of our country’s streams and millions of acres of wetlands that were previously non-jurisdictional.

WOTUS was slated to go into effect August 28, 2015, but a patchwork of court injunctions has delayed implementation in nearly half the country. The EPA is currently in the middle of the rule making process to rescind the misguided 2015 rule and replace it with a more workable solution. Until the EPA’s rescind-and-replace strategy for WOTUS is finalized, Congress should take action to repeal this unconstitutional rule and provide certainty for land and water users throughout the country. Accordingly, I request the following language which repeals the rule and allows EPA to continue crafting a replacement:

SEC. ____. *The final rule issued by the Administrator of the Environmental Protection Agency and the Secretary of the Army entitled “Clean Water Rule: Definition of ‘Waters of the United States’ ” (80 Fed. Reg. 37053 (June 29, 2015)) is repealed, and any*

regulation or policy revised by that rule shall be applied as if that rule had not been issued."

3. Bark Beetle Epidemic

State and Private Forestry

US Forest Service

Department of Agriculture

Fiscal Year 2020 Request: Robust Funding

Bark Beetles have caused significant damage on roughly 100,000 square miles of forest in the western United States alone. These tiny insects have resulted in negative social and economic impacts for affected communities while causing tree mortality and catastrophic wildfire to skyrocket in the process. More than 600 different bark beetle species exist throughout the country and challenges vary state-by-state but the damage done by these pests has caused significant environmental damage and left a massive footprint of dead trees in the process. In recent years, the U.S. has experienced a series of record breaking fire seasons. Thinning overgrown forests and removing hazardous trees – including those damaged by bark beetles – is essential to increasing overall forest health. Bark beetle epidemics and catastrophic wildfires are a significant threat throughout the country and the associated devastating tree mortality is on the rise. Accordingly, I ask that you prioritize funding and provide robust resources for combatting the bark beetle epidemic in FY2020.

4. USFS Road Network

Capital Improvement and Maintenance

US Forest Service

Department of Agriculture

Fiscal Year 2020 Request: Support the President's Budget Request

The USFS road network includes more than 370,000 miles of roads and 6,200 bridges. Road and bridge needs comprise more than \$3 billion of USFS' \$5.5 billion deferred maintenance backlog. Many isolated communities around the country depend on USFS roads to connect them to high-use recreation sites and larger cities. Any disruption in access due to weather or something preventable, like maintenance delays, can have drastic economic and even deadly consequences. For example, in Arizona, USFS closed Forest Road 708 due to deferred maintenance. Forest Road 708 connects the towns of Pine and Strawberry, Arizona to Fossil Creek, a popular swimming, hiking and recreational destination. Due to the road closure by USFS, rescue times at Fossil Creek for emergency services increased from 2 hours to nearly 8 hours. Local residents have voiced their concerns on many occasions with USFS, but to date the road is still closed to the general public and access is limited. The Forest Service estimates the cost of repair to be upwards of \$6 million dollars in addition to \$100,000 of annual maintenance. Given troubling USFS road and bridge maintenance backlog woes throughout the country, I request appropriators prioritize the proper management and repair of roads and bridges within the existing USFS inventory.

5. Salinity Control Program
Bureau of Land Management
Department of the Interior
Fiscal Year 2020 Request: Robust Funding

In 2000, Congress reiterated its directive to the Secretary and requested a report on the implementation of BLM's program (Public Law 106-459). In 2003, BLM employed a Salinity Coordinator to increase BLM efforts in the Colorado River Basin and to pursue salinity control studies and to implement specific salinity control practices. Inadequate BLM salinity control efforts will result in significant additional economic damages to water users downstream. The current drought that has significantly impacted the West affects the amount of and quality of available water, which in turn has the potential to exacerbate the salinity concentration levels. In addition to initiatives such as the Drought Response program and WaterSMART Grants, adequate funding for salinity control will prevent water quality of the Colorado River from further degradation and ensure the availability of supplies for future generations.

6. Background Ozone
Environmental Protection Agency
Fiscal Year 2020 Request: Bill Language

Background ozone is produced from natural sources like plants, vegetation and wildfires. It can be transported downward during storms. Background ozone can also originate in other countries and be transported far distances via wind. Background ozone can result in significant penalties including prohibitions on receiving federal highway funds and increasing requirements to "offset" emissions from any new or modified facilities. Both sanctions can increase costs and inhibit local economic development.

Counties and states throughout the country have consistently called attention to the significant amount of background ozone in the U.S. Maricopa County, Arizona has also illustrated the repercussions for local communities that result from background ozone and makes an excellent case that background ozone is something that should be considered or exempted by the EPA, but unfortunately it is not. The County states, "Current background ozone in the Maricopa Nonattainment Area is estimated to be as high as 52% to 67% of the 2015 standard. This means, at minimum, that the State of Arizona and the Maricopa Nonattainment Area will need to more heavily control in-state sources in order to "make up the difference" from the impact of background ozone. These efforts will need to be undertaken even though ozone emissions and their precursors can be generated from far outside of the Maricopa area."

Accordingly, I respectfully request that you include the following language:

"SEC. _____. Notwithstanding the requirements of 42 U.S.C. §§ 7401 to 7671q, none of the funds provided to the Environmental Protection Agency under this Act shall be used to: (1) promulgate, implement or enforce a designation for an area under section 107 of the Clean Air Act; or (2) promulgate, implement or enforce any other requirement of the Clean Air Act that is imposed as a result of, or as a condition of the designation of an

area; if such area is substantially affected by background ozone that is attributable to or originates from natural sources or natural conditions in the United States, or is attributable to or originates from non-United States sources, or is attributable to or originates from both."

7. National Park Service Park Maintenance Backlog
National Park Service
Department of the Interior
Fiscal Year 2020 Request: Robust Funding

From FY2009 to FY2017 the National Park Service's maintenance backlog increased from \$10.2 billion to \$11.6 billion, and Arizona has one of the largest backlogs in the nation. There are \$531.8 million in delayed or deferred restoration projects throughout Arizona alone. To address this maintenance backlog, I respectfully request robust funding for the National Park Service' park maintenance.

8. Indian Health Services
Indian Health Service
Fiscal Year 2020 Request: Support the President's Budget Request

American Indians and Alaska natives suffer from continual disparities in health and health care. Tribes face higher rates of obesity, cardiovascular disease, alcohol abuse, among other indicators, than the general population. The Federal Government's Tribal includes providing tribes with quality healthcare. Accordingly, respectfully request that you support the President's request for \$4,286,541,000 in Indian Health Services funding.

9. Indian Health Facilities
Indian Health Service
Fiscal Year 2020 Request: Sufficient Funding

Indian Health Service facilities provide critical care and services to vulnerable populations in in some of the poorest and most geographically isolated regions of the country. Because of the unique challenges Native Americans and Alaska Natives experience in accessing healthcare, it is essential that IHS facilities have the resources they need to address the disproportionately poor health outcomes experienced by these populations. I request the appropriate funding necessary for the IHS to meet facility obligations including staffing for new facilities, payment of Contract Support Costs For Tribes, and to help address the construction backlog on the Healthcare Facility Priority List.

10. Heritage Partnership Program
National Park Service
Department of the Interior
Fiscal Year 2020 Request: Robust Funding

The 49 National Heritage Areas across the country, including one in Yuma, Arizona, preserve and revitalize cultural, historic and natural resources, delivering recreational and educational opportunities to visitors, residents and entire regions. Through innovative

public-private partnerships, National Heritage Areas have effectively leveraged federal resources, attracting an average of \$5.50 of private funding for each dollar appropriated. Heritage Areas have a proven record of fostering job creation and advancing economic, cultural, historic, natural, and community development. In addition to creating jobs, National Heritage Areas generate valuable revenue for local governments and sustain communities through revitalization and heritage tourism. For these reasons, I respectfully request robust funding for the Heritage Partnership Program.

11. Road Maintenance

Bureau of Indian Affairs

Department of the Interior

Fiscal Year 2020 Request: Robust Funding

Tribal communities throughout Arizona and the Western region rely on stable roads. However, roads in tribal lands continue to deteriorate and suffer from high rates of motor vehicle crashes. For Tribal communities in rural and remote locations, this poses threats to the delivery of healthcare, education, and economic development. I respectfully request robust funding for BIA road maintenance in FY2020.

12. Detention/Corrections

Bureau of Indian Affairs

Department of the Interior

Fiscal Year 2020 Request: Robust Funding

Secure detention of criminals sentenced in Indian courts is a critical element of public safety in Indian country. In the western region, there are two BIA corrections facilities, one holding facility, and eight tribally-run facilities. At times, the lack of resources at these facilities leads to contracting at other facilities, or the release of offenders. Funding for detention/corrections will improve staffing, technology, and living conditions. I respectfully request robust funding for BIA detention and corrections in FY2020.

13. Indian Child Welfare Act

Bureau of Indian Affairs

Department of the Interior

Fiscal Year 2020 Request: Robust Funding

The Indian Child Welfare Act (IWCA) was enacted in 1978 in response to an increasing number of Native children being separated from their families and communities by state child welfare and private adoption agencies. This program assists with the prevention of Indian family separation, and reunification efforts for children who have been separated from their families. I respectfully request robust funding for IWCA in FY2020 to help address the unique challenges faced by Native children.

14. Indian Guaranteed Loan Program

Bureau of Indian Affairs

Fiscal Year 2020 Request: Robust Funding

The Indian Guaranteed Loan Program serves as an essential tool for Tribal Economic Development. The program allows tribally-owned businesses to gain access to capital, optimize resources, facilitate strategic partnerships, and explore new business opportunities. I request robust funding for the Indian Guaranteed Loan Program in FY2020 in order to move tribes towards economic self-sufficiency.

15. Tribal Colleges and Universities

Post-Secondary Programs (Forward Funded)

Bureau of Indian Education

Department of Interior

Fiscal Year 2020 Request: Sufficient Funding

Tribal Colleges and Universities provide important postsecondary education and workforce training, often in the heart of the communities where they also serve as primary employers and cultural centers. I recognize the great work the Committee and Congress has done in recent years to support TCUs and request strong funding for institutional operations and technical assistance for these important establishments. In the 40 years since the Tribally Controlled Colleges and Universities Assistance Act was enacted, the number full-time Indian student TCU enrollments has increased by more than 300 percent—including students from more than 230 federally recognized tribes – yet TCUs remain underfunded below the authorized level. Strong funding would allow the institutions to continue offering the culturally grounded, high quality postsecondary education opportunities to American Indians and Alaska Natives in some of the poorest and most geographically-isolated regions of the country.

16. Water Resources Research Act

United States Geological Survey

Department of the Interior

Fiscal Year 2020 Request: Robust Funding

The Water Resources Research Act (WRRRA) established university-based centers to research water-related issues, train future water scientists and engineers, and conduct outreach on findings to the public. The United States Geological Survey administers this program, which provides valuable support to improve water management for federal, state, and local communities. I respectfully request robust funding for the WRRRA in FY2020.

17. Wild Horse and Burro Program

Bureau of Land Management

Department of Interior

Fiscal Year 2020 Request: Report Language

The Bureau of Land Management (BLM) has historically relied on roundup and removals for managing America's wild horse populations, which not only increases the number of horses under government care and strains agency resources, but can also accelerate horse

population growth in the wild. A coordinated approach which includes fertility control is essential to providing a humane, long term, and cost effective management solution. Accordingly, I request that report language similar to the following be included:

Equine Contraceptives:

The Committee reminds the Bureau that it has directed it to include equine contraceptives, such as porcine zona pellucida (PZP) vaccines, in its comprehensive plan to address the rising costs of the Wild Horse and Burro program. The use of such contraceptives has been recommended by the National Academy of Sciences, scientific studies showing its efficacy and cost-savings potential, and proven record in the field. The Bureau should report to the Committee within 12 months of enactment the detailed methodology and results of implementing a robust equine contraceptive program within its comprehensive management plan.

Thank you for your consideration. Please do not hesitate to contact me if you would like additional information about these requests.

Sincerely,



Martha McSally
United States Senator